

MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, DECEMBER 11, 2007

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:45 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

P P P P P A P
ROLL CALL: *Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley*
(Commissioner Dwyer arrived at 6:04 PM)

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF DECEMBER 11, 2007, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Farley
NOES: None
ABSENT: Dwyer
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ENVIRONMENTAL IMPACT REPORT NO. 07-002/ CONDITIONAL USE PERMIT NO. 07-039 (HUNTINGTON BEACH SENIOR CENTER) - Jennifer Villasenor, Associate Planner

Associate Planner Jennifer Villasenor reviewed the agenda item for the Public Hearing portion of the meeting and noted that four Late Communications had been received.

Commissioner Shaw raised the issue of Leed Certification and asked if it would be cost prohibitive. Director of Planning Scott Hess said that the cost issues are preliminary at this time and that the final costs from Makar Properties would be submitted to the City Council.

Chairman Scandura stated that it is not the Planning Commission's intent to continue this issue to December 18, 2007.

B. STUDY SESSION ITEMS

B-1. PLANNING COMMISSION GOALS 2007 – Chair Scandura

Chair Scandura presented and reviewed the Planning Commission Goals for 2007 and opened the discussion.

Commissioner Shier-Burnett reported that the establishment of the Green Building Committee is in progress.

Chairman Scandura stated that he has attended 1-2 public meetings of the Beach Blvd/Edinger Avenue Corridor specific plan concept.

Commissioner Dwyer said that he has attended the Downtown Specific Plan and Parking Master Plan meetings and reports on good attendance (50-60 people) with a good mix representing private citizens, Homeowners' Associations and developers.

Chairman Scandura reviewed the Shopping Center Inventory and Survey PowerPoint presentation and noted that approximately 50 of the shopping centers in Huntington Beach require an upgrade.

Commissioner Livengood reported that the recommendations to City Administration on implementing the findings of the Entitlement/Development Process (Zucker Report) have been submitted.

B-2. MAJOR PROJECTS UPDATE – Scott Hess

Director of Planning Scott Hess gave an overview of the Huntington Beach Planning Department Major/Priority Projects List. General discussion ensued regarding the Circulation Element Update/EIR, the Hoag office expansion and Percy Dock/Bayview Development.

C. CONSENT CALENDAR – NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) - NONE

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PUBLIC COMMENTS – NONE

G. PLANNING COMMISSION COMMENTS

Chairman Scandura reminded the Planning Commissioners about the City's Code of Ethics regarding attendance at a holiday lunch.

6:25 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Tom Livengood.

ROLL CALL: *P* *P* *P* *P* *P* *P*
Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley

AGENDA APPROVAL

A MOTION WAS MADE BY DWYER, SECONDED BY SHIER-BURNETT, TO APPROVE THE PLANNING COMMISSION AGENDA OF DECEMBER 11, 2007, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS – NONE

B. PUBLIC HEARING ITEMS:

B-1a. ENVIRONMENTAL IMPACT REPORT NO. 07-002 (HUNTINGTON BEACH SENIOR CENTER) **Applicant:** City of Huntington Beach **Request:** Analyzes the potential environmental impacts associated with implementation of the proposed project and identifies appropriate mitigation measures. **Location:** The 5-acre project site is located within the 356-acre Huntington Central Park and generally located southwest of the intersection of Goldenwest Street and Talbert Avenue, between the disc golf course, which is at a higher elevation, and the Shipley Nature Center. **Project Planner:** Jennifer Villasenor.

STAFF RECOMMENDATION: Motion to: “Certify EIR No. 07-002 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1618.”

B-1b. CONDITIONAL USE PERMIT NO. 07-039 (HUNTINGTON BEACH SENIOR CENTER) **Applicant:** City of Huntington Beach **Request:** To construct and operate a 45,000 square foot one-story senior recreation facility on a site with a grade difference greater than 3 feet. **Location:** The 5-acre project site is located within the 356-acre Huntington Central Park and generally located southwest of the intersection of Goldenwest Street and Talbert Avenue, between the disc golf course, which is at a higher elevation, and the Shipley Nature Center. **Project Planner:** Jennifer Villasenor.

STAFF RECOMMENDATION: Motion to:

- A. "Approve Conditional Use Permit No. 07-039 with findings and suggested conditions of approval."
- B. "Approve CEQA Statement of Findings of Fact with a Statement of Overriding Considerations."

The Commission made the following disclosures:

- Commissioner Farley noted that two Planning Commission Study Sessions have addressed the project.
- Commissioner Dwyer has talked to staff and visited the site.
- Commissioner Shaw has spoken to staff and other Planning Commissioners.
- Commissioner Shier-Burnett has talked to staff and other Planning Commissioners and has visited the site.
- Commissioner Livengood has talked to Council Member Cathy Green, staff, other Planning Commissioners, and has visited the site.
- Chairman Scandura has visited the site, talked to staff and other Planning Commissioners, and has discussed the project with Mayor Gil Coerper and Council Member Green.

Jennifer Villaseñor, Associate Planner, gave a PowerPoint presentation and noted that four Late Communications had been received.

Commissioner Shier-Burnett spoke of the 2% passive use of parkland slated for Central Park.

Commissioner Speaker commented that the original fourteen ADA parking spaces planned for the project had now been increased to twenty, and noted that approval of CUP #07-039 would now encompass approval of those twenty ADA designated parking spaces.

Commissioner Livengood spoke of the landscaping and asked if all the plants would be drought resistant and native, and also asked that the landscaping conditions be redefined/narrowed.

Commissioner Shaw reported that the Chair of the Environmental Board had said that there has been insufficient review of alternatives to the Senior Center; staff said that the alternatives presented to date have been sufficient per CEQA requirements.

Commissioner Dwyer asked staff about parking at Slater Avenue and Goldenwest Street, and Transportation Manager Bob Stachelski noted that the parking analysis was redone and there are no significant parking issues during peak hours.

Commissioner Farley asked about the Late Communication received from Laquer, Urban, Clifford & Hodge LLP regarding in-lieu fees received from the Pacific City project and Senior Deputy Attorney Leonie Mulvihill spoke regarding the ramifications of the Quimby Act.

General discussion ensued regarding raptor foraging relocation, parking and trip generation analysis.

THE PUBLIC HEARING WAS OPENED.

Ralph Bauer, Huntington Beach Council on Aging, spoke in favor of the project; although he is in favor of alternatives (including the Kettler School, which is not currently available), he urges the EIR certification and notes that the voters of Huntington Beach approved this project.

Bob Dettlof, Huntington Beach Council on Aging, spoke in favor of the project, noting that the City's voters approved the Senior Center in Central Park.

Mark Allen, Legal council for Laquer, et al, spoke against the project, recommending an alternative site which includes more Green Building components.

Carol Settimo, Huntington Beach Council on Aging, spoke in favor of the project; she cited the need for a modern Senior Center and mentioned her eight years' volunteer service at the Rodgers Senior Center.

Tony Brine, resident, spoke against the project, saying that the Center should be devoted exclusively to senior citizens and not function as a community center.

Mike Sloan, resident, spoke against the Senior Center, saying that Huntington Beach needs to preserve its natural open parkland spaces and noting that Central Park serves as a migratory way station and wildlife habitat.

Nancy Donovan, resident, spoke against the project, saying that the 'in-lieu' fees provided by Pacific City are not related to the uses designated for the Senior Center.

Eileen Murphy, resident, spoke against the Senior Center, stating that Pacific City, which is providing the 'in-lieu' fees, is four miles from the proposed Senior Center site and commented on the close public vote regarding the Senior Center (49% against, 51% for).

Mindy White, resident, spoke against the project, noting such concerns as raptor relocation and increased noise and traffic.

Elmer Smith, resident, spoke against the project and proposed using the Kettler School site (when available).

Norma Brandel Gibbs, Huntington Beach Council on Aging (and former City Council member), spoke for the project, and stated that she had also been instrumental in the original approvals of Central Park, the Shipley Nature Center and the Central Library.

Dave Sullivan, citizen and former City Council member, spoke in favor of the project, noting that the voters have approved the location and that the Senior Center would only occupy five acres of the 356 acre Central Park.

Candace Bartsch, citizen, spoke in favor of the project, stating that she works with senior citizens and feels the new Senior Center would be an asset to the community.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

A MOTION WAS MADE BY LIVENGOD, SECONDED BY SPEAKER, TO CERTIFY EIR NO. 07-002 AS ADQUATE AND COMPLETE IN ACCORDANCE WITH CEQA ERQUIREMENTS BY APPROVING RESOLUTION NO. 1618, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Dwyer
NOES: Shaw, Farley
ABSENT: None
ABSTAIN: None

MOTION APPROVED

STRAW VOTE #1

Straw Vote #1: To approve Conditional Use Permit No. 07-039 with amendments to Suggested Conditions of Approval, Attachments 1.4 and 1.5, items #3, #5 and #6.

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE CONDITIONAL USE PERMIT NO. 07-039 WITH THE STRAW VOTE AMENDMENT, BY THE FOLLOWING VOTE:

AYES: Speaker, Livengood, Scandura, Shaw, Dwyer, Farley
NOES: Shier-Burnett
ABSENT: None
ABSTAIN: None

STRAW VOTE #1 MOTION APPROVED

STRAW VOTE #2

Straw Vote #2: To approve Conditional Use Permit No. 07-039 with amendment to Suggested Conditions of Approval, Attachment 1.4, Condition #2, deleting the phrase "strive to" from the sentence "The project shall strive to achieve LEED Certification."

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHAW, TO APPROVE CONDITIONAL USE PERMIT NO. 07-039 WITH THE STRAW VOTE AMENDMENT, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Shaw, Dwyer, Farley
NOES: Speaker, Livengood, Scandura
ABSENT: None
ABSTAIN: None

STRAW VOTE #2 MOTION APPROVED

A MOTION WAS MADE BY LIVENGOD, SECONDED BY SPEAKER, TO APPROVE CONDITIONAL USE PERMIT NO. 07-039 WITH FINDINGS AND AMENDED SUGGESTED CONDITIONS OF APPROVAL, AND TO APPROVE CEQA STATEMENT OF FINDINGS OF FACT WITH A STATEMENT OF OVERRIDING CONSIDERATIONS, BY THE FOLLOWING VOTE:

AYES: Scandura, Speaker, Livengood, Dwyer
NOES: Shier-Burnett, Shaw, Farley
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-039:

1. Conditional Use Permit No. 07-039 to permit the construction and operation of a 45,000 square foot senior recreation facility will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. An EIR that analyzed the project's potential to generate detrimental impacts on people and surrounding properties was prepared and concluded that, with mitigation, there are no significant project specific impacts. In addition, being that the project is located in Central Park, the closest adjacent residences are located approximately 800 feet west of the project site. One significant cumulative impact to aesthetics was identified in the EIR and as such, a Statement of Overriding Considerations, which discusses the benefits of the project in relation to the cumulative impact, is required for approval of the project.
2. Conditional Use Permit No. 07-039 will be compatible with surrounding uses because it is consistent with the applicable General Plan Land Use and Zoning designations as noted in previous sections of this report. Although the proposed project will result in the development of a new senior center on existing open space, the project will be compatible with the established recreational land use pattern in the area, specifically existing community facilities such as the Central Library and Sports Complex adjacent to the proposed project site. Within this context, the proposed project is compatible with the surrounding parkland. In addition, the proposed project would add a senior recreation facility on land currently designated for recreational uses but at a greater intensity than what was previously intended for the site.

The proposed building features a design with architectural features that minimize the visual bulk and mass of the buildings and provides for compatibility with the surrounding parkland. The project complies with all of the requirements for development in the OS-PR zoning district and provides an adequate number of parking spaces. To integrate the project with the natural setting of the Shipley Nature Center and existing passive parkland west of the project site, substantial landscaping is proposed throughout the site, including surrounding the entire perimeter of the project site.

3. Conditional Use Permit No. 07-039 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including the Open Space – Parks & Recreation zone permitted uses and minimum setbacks. Parking requirements are determined by the conditional use permit and are specific to the requested use. A sufficient number of parking spaces is provided for the project based on surveys of similar projects.

4. The granting of Conditional Use Permit No. 07-039 will not adversely affect the General Plan. It is consistent with the Land Use Element designation of OS-P (Open Space - Parks) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Air Quality Element

Policy AQ 1.8.3: Encourage developers to maintain the natural topography, to the maximum extent possible, and limit the amount of land clearing, blasting, grading, and ground excavation operations needed for development.

The proposed project anticipates a balanced site with minor cut and fill operations during construction.

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

As with all new buildings, the proposed project will be required to comply with the energy conservation standards of Title 24, which would ensure that there would be no wasteful or unnecessary use of energy.

Circulation Element

Policy CE 6.1.7: Require new development to provide accessible facilities to the elderly and disabled.

The proposed senior center project will be required to comply with the requirements of the ADA. The proposed project will also provide ADA access to the site via a pedestrian path north of the access driveway.

Policy CE 7.1.7: Continue to construct landscaped medians in existing major and primary arterial streets and continue to require the construction of landscaped medians in new developments.

The proposed project includes construction of a signalized access driveway at the intersection of Goldenwest Street and Talbert Avenue. The new access driveway includes a proposed landscaped median.

Environmental Hazards Element

Policy EH 4.1.1: During major redevelopment or initial construction, require specific measures to be taken by developers, builders, or property owners in flood prone areas, to prevent or reduce damage from flood hazards and the risks upon human safety.

Although the site is partially located in Flood Zone A, the project site is already a minimum of 4 feet higher than the base flood elevation at its lowest point. A flood elevation certificate will be required for the proposed project.

Growth Management Element

Goal GM 2: Ensure that adequate transportation and public facilities and public services are provided for existing and future residents of the City.

The proposed project does not result in any significant traffic impacts and adequate public facilities and public services will be provided.

Hazardous Materials Element

Policy HM 1.2.3: Support land use or developments adjacent to or within close proximity of sensitive uses, which do not utilize, store, handle, or contain hazardous materials and/or waste, and which would create an unsafe, unhealthy, or hazardous condition for adjacent uses.

Construction and operation of the proposed senior center will not include the use of large quantities of hazardous materials, and any commonly used hazardous materials would be used and stored in accordance with applicable regulations. Implementation of the proposed project would not utilize hazardous materials or waste and would not create an unsafe or hazardous condition for adjacent uses.

Land Use Element

Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Policy LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space and other pertinent elements.

Policy LU 4.2.5: Require that all commercial, industrial and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the Americans with Disabilities Act (ADA).

The proposed project will be constructed in accordance with existing laws and regulations, including the City's building code and any applicable State and federal law requirements such as ADA. In addition, the project is proposed to be in conformance with the Huntington Beach Zoning and Subdivision Ordinance and is not seeking any variances to deviate from the code requirements. Adequate access to and from the project site will be provided through the entrance at the Goldenwest Street/Talbert Avenue intersection. Sufficient parking will be provided on site for the senior center use.

Recreation and Community Services Element

Policy RCS 1.1.1: Provide leisure opportunities through programs and activities that serve the general population as well as the specialized needs of the disabled, children and elderly.

Policy RCS 3.1.2: Provide a variety of amenities within recreation areas in order to accommodate persons with different interests.

Policy RCS 3.1.7: Design recreational facilities to the accessibility requirements as specified in State and Federal laws such as the Americana with Disabilities Act (ADA) standards for accessibility.

The proposed project is a senior recreation facility proposed to be developed in accordance with ADA standards. The senior center and associated amenities will provide the City with expanded recreational resources for senior citizens to meet existing and future demand. The senior center will be accessible to all residents of the City of Huntington Beach.

Utilities Element

Policy U 3.3.2: Where feasible, utilize natural overland flows, open channels, and swale routings as preferred alignments for components of drainage systems.

Policy U 3.3.3: Require that new developments employ the most efficient drainage technology to control drainage and minimize damage to environmental sensitive areas.

The proposed project includes bioswales and vegetated buffer areas to treat runoff from the proposed project's impervious areas. Implementation of BMPs and the project's directing of stormwater flows through the park and Huntington Lake will ensure that project implementation would not adversely impact sensitive environments.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT 07-039:

1. The project plans received and dated October 17, 2007 shall be the conceptually approved design with the following modifications.
 - a. The gate located at the terminus of the access driveway shall be relocated to the south edge of the reconfigured "T" intersection.
 - b. The number of ADA parking spaces shall be increased to 20. Once the facility is operational, the number of ADA spaces may be revised as determined necessary by the Community Services Department.
2. The project shall achieve LEED certification. A variety of sustainable features shall be used and may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

3. Prior to submittal for plan check, project design, including landscape plans (completed pursuant to Conditions 5 and 6), shall be reviewed by the City of Huntington Beach Design Review Board and approved by the Planning Commission as a non-public hearing item.
4. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.
5. The final landscape plans shall incorporate a variety of tree, shrub and grass species that are currently planted at adjacent uses, including the Sports Complex, Shipley Nature Center and the passive park west of the project site.
6. In the event that an overflow parking area is provided in place of the meadow area depicted on the preliminary landscape plan, meadow grasses shall be planted elsewhere on the project site. The species of meadow grasses should take into consideration the species currently planted at Shipley Nature Center.
7. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be depicted on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).
8. The project shall comply with all mitigation measures adopted in conjunction with Environmental Impact Report No. 07-002.

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Director of Planning - reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Director of Planning – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Scott Hess, Director of Planning – reported on the items scheduled for the next Planning Commission meeting

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett –thanked staff for their hard work on the Senior Center EIR and CUP and thanked City Council for their efforts to preserve open space.

Commissioner Speaker - thanked staff for their hard work.

Vice Chairperson Livengood – None.

Chairperson Scandura – thanked staff and noted that a new Planning Commission Chairman will be elected in January 2008. He also thanked the Planning Commission for their hard work and spoke of how enjoyable his tenure as Chairman has been.

Commissioner Shaw – thanked staff.

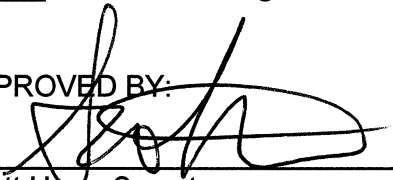
Commissioner Dwyer – spoke of the difficulty of his daily commute when various freeway on-ramps in Huntington Beach and Fountain Valley have either been closed or narrowed to one lane only.

Commissioner Farley - thanked staff.

ADJOURNMENT: Adjourned at 9:35 PM to the holiday celebration at Sebastiani's Italian Bistro at 6078 Warner Avenue on December 13, 2007 at 6:00 PM and then adjourn to the next regularly scheduled meeting of January 8, 2008.

NOTE: the 12/25/07 regular meeting has been cancelled due to the holiday.

APPROVED BY:



Scott Hess, Secretary

Tom Livengood, Chair